

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Karina Herrera	Team: Squad #2	CCRB Case #: 201805768	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/11/2018 11:05 AM	Location of Incident: West 103rd Street and West End Avenue; 24th Precinct Stationhouse	Precinct: 24	18 Mo. SOL 1/11/2020	EO SOL 1/11/2020	
Date/Time CV Reported Mon, 07/16/2018 6:35 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 07/16/2018 6:35 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 James Zozzaro	1741	942747	113 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 David Pulice	04711	930988	DBQS OP
2. DT2 Anthony Faranda	05186	926819	DBQS OP
3. DT3 Francisco Adames	1542	939842	113 DET
4. DT1 Vincent Santangelo	06343	898473	DBQS OP
5. DT1 Barry Brown	01302	911490	DBQS OP

Officer(s)	Allegation	Investigator Recommendation
A.DT3 James Zozzaro	Abuse: At West 103rd Street and West End Avenue in Manhattan, Detective James Zozzaro stopped the vehicle in which § 87(2)(b) was an occupant.	
B.DT3 James Zozzaro	Abuse: At West 103rd Street and West End Avenue in Manhattan, Detective James Zozzaro frisked § 87(2)(b)	
C.DT3 James Zozzaro	Abuse: At West 103rd Street and West End Avenue in Manhattan, Detective James Zozzaro searched § 87(2)(b)	
D.DT3 James Zozzaro	Abuse: At West 103rd Street and West End Avenue in Manhattan, Detective James Zozzaro searched the vehicle in which § 87(2)(b) was an occupant.	
E.DT3 James Zozzaro	Abuse: At West 103rd Street and West End Avenue in Manhattan, Detective James Zozzaro seized § 87(2)(b)'s property.	
F.DT3 James Zozzaro	Abuse: At the 24th Precinct Stationhouse, Detective James Zozzaro detained § 87(2)(b)	
G.DT3 James Zozzaro	Abuse: At the 24th Precinct Stationhouse, Detective James Zozzaro refused to show the search warrant to § 87(2)(b)	

Case Summary

On July 16, 2018, § 87(2)(b) filed the following complaint with the CCRB via the Call Processing System.

At approximately 11:05 a.m. on July 11, 2018, § 87(2)(b)'s vehicle was stopped on West 103rd Street and West End Avenue by three unmarked police vehicles (**Allegation A: Abuse of Authority – Vehicle Stop**, § 87(2)(g)). An officer, Detective James Zozzaro from the 113th Precinct Detective Squad, approached § 87(2)(b)'s vehicle, and he was accompanied by three other officers, Detective Francisco Adames from the 113th Precinct Detective Squad, and Detective David Pulice and Detective Anthony Faranda from the Detective Borough Queens South Unit. At the time, the officers had a search warrant for § 87(2)(b)'s vehicle (Board Review 01).

§ 87(2)(b) exited his vehicle and Detective Zozzaro handcuffed him. Detective Zozzaro allegedly frisked § 87(2)(b) (**Allegation B: Abuse of Authority – Frisk**, § 87(2)(g)). Detective Zozzaro allegedly entered his hands into § 87(2)(b)'s pockets and removed his wallet (**Allegation C: Abuse of Authority – Search of Person**, § 87(2)(g)). The officers allegedly removed § 87(2)(b)'s keys from the ignition of his vehicle and they searched for his cellphone (**Allegation D: Abuse of Authority – Vehicle Search**, § 87(2)(g)). The officers placed § 87(2)(b) in Detective Zozzaro's police vehicle and he was escorted to the 24th Precinct Stationhouse in Manhattan. The officers took possession of § 87(2)(b)'s vehicle (**Allegation E: Abuse of Authority – Seizure of Property**, § 87(2)(g)).

At the stationhouse, § 87(2)(b) was placed in an interrogation room. § 87(2)(b) requested to speak with an attorney and the interview concluded immediately. The officers released § 87(2)(b) and voided his arrest regarding the VTL violation (Board Review 02) (**Allegation F: Abuse of Authority – Detainment**, § 87(2)(g)). Before he left the stationhouse, § 87(2)(b) allegedly asked Detective Zozzaro, "Where's the search warrant?" Detective Zozzaro allegedly replied, "We don't have to give it to you" (**Allegation G: Abuse of Authority – Refusal to Show Search Warrant**, § 87(2)(g)).

No video footage was found in regards to this incident.

Findings and Recommendations

Allegation (A) Vehicle Stop: At West 103rd Street and West End Avenue in Manhattan, Detective James Zozzaro stopped the vehicle in which § 87(2)(b) was an occupant.

On July 24, 2018, § 87(2)(b) was interviewed at the CCRB. On September 20, 2018, Detective Zozzaro was interviewed at the CCRB. On November 29, 2018, Detective Pulice was interviewed at the CCRB.

It is undisputed that on the incident date officers stopped § 87(2)(b)'s vehicle after he committed a traffic violation. § 87(2)(b) was arrested and taken to the 24th Precinct Stationhouse in Manhattan where he was eventually released with a voided arrest (Board Review 02). The officers seized § 87(2)(b)'s vehicle pursuant to a search warrant (Board Review 01).

§ 87(2)(b) stated that on the incident date, his vehicle was double-parked in front of 235 West 103rd Street in Manhattan. Shortly after entering his vehicle and driving it towards West 103rd Street and West End Avenue, § 87(2)(b)'s vehicle was stopped by three unmarked police vehicles. Two officers, Detective Zozzaro and Detective Adames, approached § 87(2)(b)'s vehicle. Detective Zozzaro instructed § 87(2)(b) to turn off his vehicle and he did so.

Detective Zozzaro stated that the day before the incident he received a search warrant for § 87(2)(b)'s vehicle because they had video footage showing that it had been involved in a homicide (Board Review 01). Although the vehicle was registered to a different address, Detective Zozzaro went to 230 West 103rd Street in Manhattan because he was aware that § 87(2)(b) resided there as well. Detective Zozzaro drove there with Detective Adames; Detective Pulice and Detective Faranda arrived in another police vehicle. Upon arriving, Detective Zozzaro saw § 87(2)(b)'s vehicle double-parked on West 103rd Street. Shortly after, § 87(2)(b) entered his vehicle, but he failed to signal as he “pulled off” and drove towards West 103rd Street and West End Avenue. The officers stopped § 87(2)(b)'s vehicle and approached it. Detective Zozzaro instructed § 87(2)(b) to exit his vehicle and he did so.

§ 87(2)(g)

Search Warrant § 87(2)(b) was issued to Detective Zozzaro on § 87(2)(b), and it permitted officers to lawfully seize and search § 87(2)(b)'s vehicle (Board Review 01).

§ 87(2)(g)

Allegation (B) Frisk: At West 103rd Street and West End Avenue in Manhattan, Detective James Zozzaro frisked § 87(2)(b)

Allegation (C) Search of Person: At West 103rd Street and West End Avenue in Manhattan, Detective James Zozzaro searched § 87(2)(b)

§ 87(2)(b) stated that after he exited his vehicle, Detective Zozzaro handcuffed him and searched him by inserting his hands into his pockets and removing his wallet.

Detective Zozzaro stated that he handcuffed § 87(2)(b) after he exited his vehicle. While § 87(2)(b) was handcuffed, Detective Zozzaro conducted a frisk of § 87(2)(b)'s body, but he did not search him. Detective Zozzaro denied searching § 87(2)(b) at any point during the incident.

Detective Pulice stated § 87(2)(b) was not searched at any point on West 103rd Street. Detective Pulice stated that he did not see any officers entering their hands into § 87(2)(b)'s pockets and he did not do so either.

As per Patrol Guide Procedures 208-03 and 208-05, once an arrestee is handcuffed, prior to being removed to a stationhouse, officers should frisk and search the prisoner for weapons, evidence, and contraband (Board Review 05) (Board Review 06).

§ 87(2)(g)

Allegation (D) Vehicle Search: At West 103rd Street and West End Avenue in Manhattan, Detective James Zozzaro searched the vehicle in which § 87(2)(b) was an occupant.
Allegation (E) Seizure of Property: At West 103rd Street and West End Avenue in Manhattan, Detective James Zozzaro seized § 87(2)(b)'s property.

§ 87(2)(b) stated that after he was handcuffed, the officers entered his vehicle and took his car keys from the ignition. The officers then seized § 87(2)(b)'s vehicle.

Search Warrant § 87(2)(b) was issued to Detective Zozzaro on § 87(2)(b), and it permitted officers to lawfully seize and search § 87(2)(b)'s vehicle (Board Review 01).

§ 87(2)(g)

Allegation (F) Detainment: At the 24th Precinct Stationhouse, Detective James Zozzaro detained § 87(2)(b)

§ 87(2)(b) stated that the officers escorted him to the 24th Precinct Stationhouse in Manhattan and placed him in an interrogation room. The officers eventually released § 87(2)(b) without a summons and he believed he had been detained for approximately two and a half hours.

Detective Zozzaro said that § 87(2)(b) was arrested for the VTL violation of failing to signal before leaving a parked position. § 87(2)(b) was taken to the 24th Precinct Stationhouse and he was placed in an interrogation room. Detective Zozzaro read § 87(2)(b) his Miranda Rights and § 87(2)(b) requested to speak with an attorney. Detective Zozzaro left the interrogation room and § 87(2)(g)

§ 87(2)(b). Detective Zozzaro voided § 87(2)(b)'s arrest for the VTL violation and released him (Board Review 02). § 87(2)(b) was not issued a summons for the VTL violation because his arrest was in lieu of the summons. Detective Zozzaro believed the entire incident lasted approximately forty-five minutes to an hour.

Detective Zozzaro had obtained video footage that showed a person being killed with a “cutting instrument,” the perpetrator entering the passenger seat of § 87(2)(b)'s vehicle, and the vehicle then fleeing the location. Detective Zozzaro stated that § 87(2)(b) was detained because he was considered a suspect and he was under arrest for a VTL violation. Prior to the vehicle stop, § 87(2)(b) was already considered a suspect because of his vehicle's involvement in the homicide, which was the basis for the issuance of the search warrant.

§ 87(2)(b)'s Arrest Report was prepared by Detective Zozzaro and it showed that § 87(2)(b) was charged for a VTL violation. After an investigation was conducted, § 87(2)(b) was released with a voided arrest (Board Review 02).

Patrol Guide Procedure 208-01 states that officers may arrest an individual without a warrant for a petty offense that occurs in the officers' presence, and cites violations and traffic infractions as examples of such offences (Board Review 13).

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§ 87(2)(g)
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Allegation (G) Refusal to Show Search Warrant: At the 24th Precinct Stationhouse, Detective James Zozzaro refused to show the search warrant to § 87(2)(b)

§ 87(2)(b) stated that before he left the 24th Precinct Stationhouse, Detective Zozzaro informed him that he had a search warrant. § 87(2)(b) asked Detective Zozzaro, "Where's the search warrant?" Detective Zozzaro replied, "We don't have to give it to you." § 87(2)(b) said he left the stationhouse without seeing the search warrant.

According to Detective Zozzaro, § 87(2)(b) did not ask to see the search warrant during the incident and Detective Zozzaro did not show § 87(2)(b) the search warrant at any point. Detective Zozzaro did not recall if he informed § 87(2)(b) that there was a search warrant.

According to Detective Pulice, § 87(2)(b) did not ask for any information prior to leaving the stationhouse. § 87(2)(b) did not ask to see the search warrant and it was not shown to him.

§ 87(2)(g)
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Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 07).
- Detective Zozzaro has been a member of service for twelve years and has been a subject in sixteen CCRB complaints and forty-two allegations, of which one was substantiated:

- Case #201105413 involved a substantiated allegation of Force against Detective Zozzaro. The Board recommended charges and the NYPD imposed no penalty.
- § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]

Squad No.: _____2_____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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